

# EXHIBIT K

July 19, 2005

**By Facsimile and Regular Mail**

Michael J. Fink, Esq.  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191

**Re: BIS Advanced Software Systems, Ltd. v. Red Bend Software, Inc., et al.,  
U.S.D.C. D. Mass. Civil Action No. 04-11960 (RWZ)**

Dear Michael:

This letter is to follow up on your telephone conversation with and e-mail to Anastasia Fernands of last Friday afternoon in which you unilaterally announced that the depositions planned for next week in Israel will not go forward as scheduled.

Red Bend does not agree to the cancellation of the depositions at this late date. Counsel for Red Bend will be in Israel on Monday morning, as agreed, to begin the first Rule 30(b)(6) deposition of B.I.S. concerning document issues. In addition, Red Bend will oppose any attempt to extend the current scheduling order based on B.I.S.'s refusal to go forward with the depositions as scheduled.

This round of depositions has been postponed and rearranged a number of times to accommodate B.I.S.'s requests. Not only have counsel arranged their schedules around the agreed dates, but, as you know, Red Bend witnesses, including senior management, blocked out time to make themselves available during the two weeks that were agreed upon. Now, only a month and a half before expert reports are due, and barely more than a week before the depositions were scheduled to commence in Tel Aviv, you have announced that you will not go forward as scheduled. While I am aware of the reasons that you asserted in your phone conversation with Anastasia, I disagree that those reasons are sufficient to justify cancellation of the depositions, particularly at this late date.

At a minimum, the Rule 30(b)(6) deposition of B.I.S. concerning document issues should take place on Monday, July 25, as scheduled. This deposition is particularly critical in light of the fact that, for several weeks, B.I.S. repeatedly represented that its production of 1,500 pages of documents was "everything", only to produce more than 15,000 pages of documents in the last

Michael J. Fink  
July 19, 2005  
Page 2

ten days. Moreover, even with this recent production, it is clear that B.I.S.'s production is missing significant documents.

Based on B.I.S.'s actions to date, we can only assume that B.I.S. intends to proceed through stall tactics and threats, rather than pursuing litigation on the merits. In particular, I note that B.I.S. seems intent on threatening Red Bend's customers, and attempting to hold those threats over Red Bend's head, rather than proceeding with discovery.

I look forward to seeing you in Tel Aviv on Monday morning at 9:00 a.m.

Very truly yours,



Ethan Horwitz, P.C.

EH:

cc: Andrew P. Valentine  
Anastasia M. Fernands